

REMARKS

Applicants submit this revised Amendment in reply to the Notice of Non-Compliant Amendment (copy attached) received in connection with the RCE, filed December 13, 2004, as a response to the Final Office Action, dated July 12, 2004. In connection with the present Amendment, claims 44, 47, 51-52, 55, 57 and 59 have been amended, and claims 1-43, 46, 48, 54, 56 have been cancelled. Support for the amendments may be found on page 3 of the application. Upon entry of the Amendments, claims 44-45, 47, 49-53, 55 and 57-59 remain pending in the present application. No new matter has been added. Applicants request reconsideration in view of the foregoing amendments and following remarks. The following remarks were provided in connection with the RCE filed December 13, 2004, and are hereby again provided for the convenience of the Examiner.

35 U.S.C. § 112

With respect to the rejection of claims 44-59 by the Examiner under 35 U.S.C. § 112, first and second paragraphs, Applicants note that the claims, as amended, do not recite the limitation “non-plasmocyte mammalian cell suitable for introduction into a subject in that the genetically modified cell does not cause disease in the subject following transplantation”, thereby obviating the rejections.

Moreover, the claimed invention, as provided herein, relates to the novel concept of producing antibodies in cells not specialized for naturally producing antibodies (i.e., non-plasmocytes or non-B cells). At the time of filing, it was known that different types of proteins could be produced by cells not naturally specialized in that particular protein function. However, there was no evidence that what was observed for a non-antibody protein could be predictably extrapolated to antibodies being produced in non-B type cells. Therefore, there was a need to demonstrate that antibodies displaying characteristics comparable to those of antibodies produced by plasmocytes, i.e., B-cells, could be produced by genetically modified non-B cells in vivo such that they would be capable of migrating to the blood stream of a mammal..

Conclusion

Applicants submitted a Request for Continued Examination (RCE) in the instant application pursuant to 37 C.F.R. § 1.114 on December 13, 2003 and request that the Examiner allow claims 44-45, 47, 49-53, 55 and 57-59 in view of the foregoing.

Applicants requested, at the time of filing of the RCE, a two month extension of time under 37 C.F.R. § 1.136 and authorized the Examiner to charge \$225.00 to Deposit Account No. 50-2678 to cover the extension fee. Applicants also authorized the Examiner, at the time, to charge \$500.00 to Deposit Account No. 50-2678 to cover the filing fee for the RCE.

Should any extension or fee is required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this application be charge to Deposit Account No. 50-2678.

Respectfully submitted,



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